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09/286,087	04/02/99	GAN	H 476-1737

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EXAMINER

SOBUTKA, P

ART UNIT

PAPER NUMBER

2683

DATE MAILED:

04/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/286,087

Applicant(s)

GAN ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Coulombe et al (US 6,115,463).

Coulombe teaches a method for migrating subscriber data associated with subscriber identities from a first HLR node to a second HLR node comprising the step of sequentially for each subscriber to be migrated transferring active subscriber data associated with the identity from the first node to the second node (Coulombe see especially col 1, line 60 – col 2, line 13).

3. Claims 1,2,3,5 are rejected under 35 U.S.C. 102(b) as being anticipated by Houde et al (US 5,623,532).

Consider claim 1. Houde teaches a method for migrating subscriber data associated with subscriber identities from a first HLR node to a second HLR node comprising the step of sequentially for each subscriber to be migrated transferring active subscriber data associated with the identity from the first node to the second node (Houde see especially figs 3,7).

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As to claims 2,3,5, Houde teaches a diversion function wherein transactions addressed for a subscriber identity arriving at one node are forwarded to the other node (Houde see especially fig 8).

4. Claims 1-3,5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ericsson et al (US 5,956,637).

Consider claim 1. Ericsson teaches migrating data corresponding to subscriber identities between two or more HLRs (Ericsson see especially col 3, lines 10-37).

As to claims 2,3,5, note that Ericsson teaches diverting transactions from one HLR to the other HLR where the subscriber is active (Ericsson, see especially col 4, lines 28-47).

As to claim 6, note that Ericsson's transfer includes changing the status to indicate the present area of activity (Ericsson, see especially col 4, lines 28-47).

As to claim 7, note that the transfer would effectively "disable" the data in the first HLR (Ericsson see especially see especially col 14, lines 11-62).

As to claims 8-10, note that the routing pointer in the first HLR would effectively change the data in the first HLR to "standby" while the data in the second data HLR would be active (Ericsson see especially see especially col 14, lines 11-62).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson et al (US 5,956,637) in view of Nguyen (US 6,021,327).

Ericsson teaches everything claimed as shown above except for the data being deleted from the first HLR. Nguyen teaches deleting data from a location register in which a subscriber is no longer active (Nguyen col 1, lines 45-57). It would have been obvious to one of ordinary skill in the art to modify Ericsson to delete the subscriber data from a register where the subscriber was no longer active in order to prevent the registers from filling the databases with information that is no longer needed.

### ***Drawings***

7. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Foti (US 5,878,348), Lindquist et al (US 5,953,662) and Price (US 6,138,017) have been cited to show communication systems using multiple HLR databases.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6296 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

pjs  
April 6, 2001

  
**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
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